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Approved For Release 2005/06/02 : CIA-RDP77/M00144R001100180024-8

## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Director of Personnel  
5E 58, Headquarters

EXTENSION

NO.

DATE

28 OCT 1975

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. Deputy Director for  
Administration

28 OCT 1975

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2.

3. Legislative Counsel

Attn: [redacted]  
7D 35, Headquarters

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MEMORANDUM FOR: Legislative Counsel

SUBJECT : Arguments as to Why the Agency Should Be  
Excluded from Statutes Establishing  
Compulsory Union Bargaining

1. In considering your request of 16 October 1975 for arguments on why employee unions are inappropriate for CIA, we can only reiterate the implications behind the exclusion in Executive Order 11491 which, while it specifically cites the Agency and the FBI, also excludes "any other agency . . . which has as a primary function intelligence, investigative, or security work." We have assumed that the decision to exempt the Agency and other intelligence et al groups from the provisions of the Order was based on arguments similar to those used to exempt CIA from the competitive service. Security is the basic concern. The covert nature of many of the positions and activities, the related mobility requirements for employees and the established need for compartmentation, all essential to the effective functioning of an organization of this nature, are all antithetical to the function of a union.

2. Accepting the rationale on why the Agency is exempt from the competitive service, and the need for the security protection of our employees and activities, we can see no way in which a labor union could effectively pursue its objectives and implement its normal processes. Unresolved complaints in many cases could not be referred outside the Agency; it would not be equitable to permit some to go to outside arbitration and to limit others. The Agency's exemption from the competitive service would also conflict in other instances with union processes in that the Agency or the employee could not be held responsible for not complying with Civil Service procedures from which they are specifically exempted. We would reject the proposal that the union would operate only in areas of the Agency where there would be no conflict with security.

3. Unionization is of interest to employees when they believe that their rights, legitimate needs, and interests are not being properly considered by management. Unions are generally thought of as providing an "organized" voice for the employee body to fill the gap when a sufficient number of employees are convinced such action is

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necessary for them to be heard. Executive Order 11491 specifically states its purpose "as providing employees an opportunity to participate in the formulation and implementation of personnel policies and practices affecting the conditions of their employment."

4. The Agency has instituted efforts to achieve these same ends. Such efforts include:

a. The institution and implementation of the Career Services sixteen-point programmatic responsibilities of the "New Approaches to Personnel Management" which are heavily oriented toward open communication with the work force.

b. The establishment of grievance procedures, published in regulations, which can go as high as the Director for resolution.

c. The Agency has a long established system of employee management advisory panels (The Agency MAG, the Directorate Advisory Groups and Office panels) which provide a forum for employee expression on Agency policies and practices, suggestions for improved approaches, etc.

d. All major Agency components are expected to hold periodic meetings of their assigned personnel where management has the opportunity to explain its programs and policies, and employees are offered the opportunity to express their own ideas, views and responses to management initiatives.

5. In summary, security requirements impacting on all facets of Agency personnel and operational activities would be seriously endangered and are incompatible with the establishment and functioning of a Federal Union of employees within the Agency. We believe that the Agency has been and will continue to be responsible and responsive to the needs, rights and interests of its employees to preclude the need for an internal employee union. The Agency has been a leader in government in providing employee services and benefits and will continue its leadership role. The establishment of a union would not provide additional benefits but could impose another layer of administrative structure and responsibility in the achievement of Agency personnel management objectives.

[Redacted Signature]

F. W. M. Janney  
Director of Personnel

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